

REMARKS

I. Status of Application

By the present amendment, Applicant amends claims 1-2, 4 and 9. Claims 1-9 are all the claims pending in the application. Claims 5-8 are withdrawn from consideration as being drawn to a non-elected invention. Claims 1-4 and 9 presently stand rejected.

The present Amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

II. Formalities

Applicant thanks the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and for acknowledging receipt of the certified copies of the priority documents.

Applicant thanks the Examiner for considering the references cited with the Information Disclosure Statements filed on September 25, 2003, April 30, 2004, March 31, 2006 and April 25, 2006, respectively.

However, the Examiner did not indicate whether the Formal Drawings filed on September 25, 2003 are accepted. Therefore, Applicant respectfully requests that the Examiner acknowledge and approve the aforementioned Formal Drawings.

Applicant thanks the Examiner for acknowledging the election without traverse of claims 1-4 and 9 in the Response to Restriction Requirement filed on May 29, 2007.

III. Claim Rejections Under 35 U.S.C. §112

The Examiner has rejected claims 2, 4 and 9 under 35 U.S.C. §112, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention. In particular, the Examiner has rejected claims 2, 4 and 9, alleging various antecedent basis issues.

In response to the Examiner's rejections, Applicant has amended claims 2, 4 and 9, as set forth above, so as to correct the informalities noted by the Examiner. As such, Applicant respectfully requests that the Examiner withdraw these rejections.

IV. Claim Rejections Under 35 U.S.C. §102

The Examiner has rejected claims 1-4 and 9 under 35 U.S.C. §102(b) as allegedly being anticipated by JP Application Publication No. 2002-202455 to Omura (hereinafter "Omura"). Applicant respectfully traverses these rejections for *at least* the reasons set forth below.

A. Independent Claim 1

Without conceding the merits of the Examiner's rejections, and merely in an effort to expedite prosecution of the present application, Applicant has amended claim 1 to recite (among other things):

...an infrared ray insulating dielectric
multilayer film which filters infrared rays, and
which is disposed on a substantially flat
refractive surface of a glass plane-convex lens...

Support for these amendments is provided *at least* by page 13, line 13 – page 14, line 4 and FIG. 1(a) – FIG. 1(c) of the originally filed specification. No new matter has been added.

As shown in FIG. 1(a) – FIG. 1(c), for example, the infrared ray insulating dielectric multilayer film 3 is provided for cutting the infrared rays on the flat refractive surface 21. Indeed, as explained in the present specification, the efficiency of infrared ray insulation is lowered with the increase in the incident angle of a ray. However, consistent with the claimed invention, by providing the infrared ray insulating dielectric multilayer film 3 on the flat refractive surface 21, the dependency of the infrared ray insulating dielectric multilayer film 3 on the incident angle may be minimized.

In contrast to the requirements of claim 1, Omura fails to disclose or suggest the feature of an infrared ray insulating dielectric multilayer film which filters infrared rays, and which is disposed on a substantially flat refractive surface of a glass plane-convex lens. In fact, Omura discloses just the opposite—that the infrared cut-off filter (interference pattern light filter) 13 is formed on the convex portion 12 of the image formation lens 1. See e.g., paragraph 0020 and FIG. 1. Therefore, since Omura fails to disclose or suggest each and every element of claim 1, claim 1 is not anticipated by Omura for *at least* these reasons. Moreover, Applicant submits that the dependent claims 3-4 are patentable *at least* by virtue of their dependency. Thus, Applicant respectfully requests that the Examiner withdraw these rejections.

B. Independent Claim 9

Without conceding the merits of the Examiner's rejections, and merely in an effort to expedite prosecution of the present application, Applicant has amended claim 9 to recite (among other things):

...a lens comprising an infrared ray
insulating dielectric multilayer film which
filters infrared rays, and which is disposed on a
substantially flat refractive surface of a glass
plane-convex lens...

In view of the similarity between these requirements and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that arguments analogous to the foregoing arguments as to the patentability of independent claim 1 demonstrate the patentability of claim 9. As such, it is respectfully submitted that claim 9 is patentably distinguishable over the cited reference *at least* for reasons analogous to those presented above. Thus, the allowance of this claim is respectfully solicited of the Examiner.

V. Claim Rejections Under 35 U.S.C. §103

The Examiner has rejected claim 3 under 35 U.S.C. §103(a) as allegedly being unpatentable over Omura. Applicant respectfully traverses this rejection for *at least* the reasons set forth below.

Claim 3 incorporates all the novel and non-obvious recitations of its base claim 1. Therefore, Applicant submits that claim 3 is patentable over Omura *at least* by virtue of its dependency and respectfully requests that the Examiner withdraw this rejection.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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